

### **III. REMARKS**

Claims 1-23 are pending in this application. By this amendment, claims 1, 7, 9, 13, 15, 20 and 23 have been amended herein. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph as allegedly lacking antecedent basis with regards to the limitation “said detected commercial”. Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 5. Claim 23 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 19. In response, Applicants have amended claims 9, 12, and 23 to address the aforementioned rejection and objections. Accordingly, Applicants request withdrawal of the rejection and objections.

Claims 1-5, 7, 8, 10-13, and 15-23 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Cragun et al. (U.S. Patent No. 5,561,457), hereinafter “Cragun”. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun in view of Bhagavath et al. (U.S. Patent No. 6,829,781 B1), hereinafter “Bhagavath”. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Cragun in view of Alexander et al. (U.S. Patent No. 6,177,931 B1), hereinafter “Alexander”.

Applicants traverse the rejections for the following reasons. Applicants respectfully submit that all claims are allowable over the cited art because the cited art does not teach all of the claim limitations, as is required under 102(b). Applicants contend that at least two limitations in claim 1 are not taught in the cited art.

For example, with respect to independent claim 1, Applicants respectfully submit that the cited reference fails to teach, *inter alia*, either *generating* a user profile indicating video content preferred by said user, or *wherein said user profile is generated based on a viewing history of said user*. Emphasis added. See claim 1, as amended, and similar claim language in independent claims 7, 15 and 20.

In rejecting claim 1, the Office alleges that an obtaining step is disclosed in Cragun at Column 7, lines 5-30 and Column 10, lines 8-35. Office Action, page 4. Applicants have carefully reviewed the cited sections, as well as Cragun in its entirety, and fail to see any teaching in the referenced disclosure for any type of utilizing of the user’s viewing history whatsoever. Further, even assuming *arguendo* that Cragun may have some type of a user profile therein, it is entirely created and/or edited by the user and not generated by the system (e.g., independent of the user) in Cragun, as the term “generated” is understood by those of ordinary skill in the art. In fact, the search parameters used in Cragun are entirely obtained from explicit entry (and/or editing of a preexisting profile) by the user. “In accordance with the preferred embodiment, a user

may specify one or more disjunctions of conjunctions of keywords.” Col. 7, lines 9-11.

“The Edit Profile function allows a viewer to create or alter a profile data structure.” Col. 10, lines 9-10. Note too that three other sentences within the cited paragraph (i.e., Col. 10, lines 8-35) even start with the phrase “[i]f the user elects [ ]”. That is only the user, and never the system in Cragun, creates any type of user profile. There is no consideration and/or evaluation of the viewing history in Cragun. In any event, there is not any teaching, nor even a suggestion, of either generating a user profile, or of generating a user profile based on a viewer history, as in the claimed invention.

In sum, Cragun does not teach or suggest all of the features found in claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to claim 1.

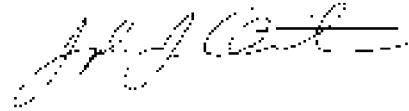
Independent claims 7, 15, and 20 are rejected under the same rationale as claim 1. As a result, Applicants herein incorporate the arguments listed above with respect to claim 1.

With respect to dependent claims 2-6, 8-14, 16-19 and 21-23, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

#### IV. CONCLUSION

In light of the above remarks, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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